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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,427	03/08/2002	Man-Lin Chen	CHEN3350/EM	8770

23364 7590 06/03/2004

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EXAMINER
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GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/092,427

Applicant(s)

CHEN ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 6, 2004 has been entered. The amendment dated March 29, 2004 has been entered as requested. Claims 1-3 and 9 were amended. Claims 1-9 are pending.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The objection set forth in paper no. 2, paragraph 1(g) (and maintained in the Office action mailed January 7, 2004) is withdrawn due to the amendment.
4. The rejection of claim 1 under 35 USC 112, second paragraph, set forth in paper no. 2, paragraph 4 (and maintained in the Office action mailed January 7, 2004) is withdrawn due to the amendment.
5. The rejection of claim 3 under 35 USC 112, second paragraph, set forth in paper no. 2, par. 6, (and maintained in the Office action mailed January 7, 2004) is withdrawn due to the amendment of claim 3.
6. The rejections of claim 9 under 35 USC 112, second paragraph, set forth in paper no. 2, paragraphs 9 and 10, are withdrawn due to the amendment of claim 9.

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7. The objection to claim 1 set forth in the Office action mailed January 7, 2004, paragraph 12 is withdrawn.

The objection to claim 5 set forth in the Office action mailed January 7, 2004, paragraph 12 is maintained for the reasons of record. In claim 5, "the method of postbake" should be changed to "a method of postbake".

8. The objection to claim 4 set forth in the Office action mailed January 7, 2004, paragraph 12 is maintained for the reasons of record. In claim 4, "has a convex top face ~~has~~ a smooth convex ball face shape" should be changed to "has a convex top face ~~with~~ a smooth convex ball face shape" for clarity.

9. Claims 1-9 are rejected under 35 USC 112, second paragraph, for the reasons set forth in the Office action mailed January 7, 2004, paragraph 13. Claims 1 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1 is indefinite because it recites a hole transport layer on the hole injection layer, however, a hole injection layer is not previously set forth and accordingly the position of subsequent layers formed on the hole injection layer can not be determined.

b. Claim 9 recites "said catalyst", but claim 1 upon which claim 9 solely depends does not recite a catalyst. Accordingly, the meaning of this claim can not be ascertained.

10. Claim 4 is objected to because of the following informalities: The word "film" should be inserted between "resist" and "has". Also "the bottom face" should be changed to "a bottom face" since "bottom face" has not been previously recited. Appropriate correction is required.

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***Allowable Subject Matter***

11. Claims 1-9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. Reasons for the indication of allowable subject matter were given in the Office action mailed January 7, 2004, paragraph

15.

***Response to Arguments***

12. Applicant's arguments filed March 29, 2004 have been fully considered but they are not persuasive. Applicant did not further argue any of the previous rejections currently maintained in this Office action. Accordingly, the rejections are respectfully maintained for the reasons of record.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is 571-272-1523. The examiner can normally be reached Monday through Friday during normal business hours. Please allow the examiner twenty-four hours to return your call.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached at 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Dawn Garrett*  
DAWN GARRETT  
EXAMINER  
ART UNIT 1774

D.G.  
May 24, 2004